IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 24968 of 2007(V)

PETITIONERS:
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1. P.V.GOPALAN, S/O.SANKUNNY,
POKKANDATHUVALAPPIL HOUSE, POST EDAPPAL,
THUYYAM, MALAPPURAM DISTRICT.

2. THUYYAM EARTH MOVERS ASSOCIATION,
EDAPPAL, MALAPPURAM DISTRICT REPRESENTED BY ITS
PRESIDENT VASUDEVAN, S/O.KUNJUKRISHNAN,
KUNNATHEL HOUSE, P.O.EDAPPAL, MALAPPURAM DISTRICT

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE DISTRICT COLLECTOR, PALAKKAD.

3. THE SUPERINTENDENT OF POLICE,
MALAPPURAM.

4. THE SUPERINTENDENT OF POLICE,
PALAKKAD.

5. THE REVENUE DIVISIONAL OFFICER,
TIRUR.

6. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM.

7. THE CIRCLE INSPECTOR OF POLICE,
PONNANI.

**8. THE CIRCLE INSPECTOR OF POLICE,
PATTAMBI.**

**9. STATE OF KERALA REPRESENTED BY CHIEF
SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 24968/2007 V

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT IN WPC NO. 16713/2006 DT. 7/7/06.

EXT.P2. COPY OF THE REPRESENTATION DT. 1/08/07 BY THE PETITIONERS BEFORE THE RESPONDENTS.

RESPONDENT'S EXHIBITS NIL.

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.24968 of 2007-V

Judgment

Balakrishnan Nair, J.

The first petitioner is a tipper lorry owner and the second petitioner is an association of tipper lorry owners. They claim, they are engaged in removing red earth on contract basis. According to them, various Police officials are harassing the first petitioner and the members of the second petitioner on invalid grounds. So, this Writ Petition is filed, seeking the following relief :

> *"To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents not to harass the petitioners including the members of the 2nd petitioner from removing the red soil and transporting the same."*

On 22.08.2007, this Court passed an order, stating that there cannot be any general direction to the Officers not to harass the members of Thuyyam Earth Movers Association and if there is any particular instance of harassment, the party concerned can move this Court. We find no reason to change the said view taken by us. We also notice that this Court has already disposed of Writ

Petition (C) No.24627/07 holding that the persons who want to remove the earth must seek appropriate orders from the civil court. Therefore, we are not inclined to pass any orders in this Writ Petition, giving general directions to the Police. But, if any particular owner of a vehicle has got any grievance, he can work out his remedy against the same before the appropriate forum. Subject to that right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

25.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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